

The Catawba-Wateree River Basin Advisory Commission (CWRBAC)

Meeting Notes – February 5, 2016

Commission Members Present: Rep. Kelly Alexander, Jr., Barry Gullet (Chair), Susie Hamrick Jones, Jeff Lineberger, Tim Mead, Kathy Wilson

1. Call Meeting to Order

The meeting was called to order by Chairman Gullet.

2. Approval of Minutes

The minutes from the October 30th, 2015 meeting were approved.

3. Catawba-Wateree Hydroelectric Project New License Update – Mark Oakley, Catawba/Wateree Relicensing Project Manager, Duke Energy

Status of the New License:

Duke was granted a 40-year license on November 25, 2015. They filed for a Request for Rehearing on December 21, 2015 to obtain a 50-year license. Information regarding the request is noted below.

- There is an Inconsistent Act in the order to build a bladder dam at Wateree without the benefit of a 50-year license term, and Duke Energy is arguing for a 50-year license term rather than to not build the bladder dam
- There are some other questions and clarifications
- FERC issued tolling order on January 19, 2016
- FERC response to Yadkin-Pee Dee Rehearing Request took six months
- Filing a Request for Rehearing does not suspend or delay implementation of New License requirements

A 40-year term puts the following provisions of the Comprehensive Relicensing Agreement (CRA) at risk.

- \$3,000,000 to NC and SC to protect land and habitat
- 274 additional acres of total conservation easements to NC and SC

Impacts on the CRA were discussed and include annual cleanup support, schedule for Wateree spillway modifications, work on the Lake James Loop Trail and Corridor, conservation easements and the shoreline management plan, and evaluation of the shoreline management plans permitting criteria.

Benefits implemented so far:

Public Safety

- Provide special messages and operational information on web site and toll-free telephone system

Recreation

- Provide recreational flow releases

Environmental Resources

- Initiate upper Catawba purchase options in NC

Operations

- Reservoir elevations, minimum flow releases, Low Inflow Protocol, maintenance and Emergency Protocol, notifications

Cultural

- Cowans Ford National Register of Historic Places eligibility
- Initiate a Project Plan for archeological site research at Mulberry Mound
- Implement the Historic Properties Management Plan

What's Expected in 2016

Funding

- Fish and wildlife enhancements in SC, archeological research , monitor erosion on Mulberry Mound site in SC, trail construction in Burke County, NC

Recreation

- “Stop Aquatic Hitchhikers” signs at all access areas, file initial RMP with FERC, boating safety study at Great Falls Reservoir

Environmental Resources

- Implement Species Protection Plans, Wateree stable flows and inundation flows, Eel passage compliance plan, Wateree fish passage design plans , Shoreline Management Plan update

Implementation Plans

- Flow and Water Quality Implementation Plan, Water Quality Monitoring Plan , Quality Assurance Project Plans

February 29, 2016 at the Baxter Hood Center, Rock Hill, SC to discuss:

Requests from parties, request for rehearing, communications needs. request support for 50-yr license term, Long-term Final Agreement Committee membership

Duke Energy's Approach:

- Use the Request for Rehearing to strongly argue for a 50-year license term
- Exhaust all administrative and judicial remedies to achieve 50-year term

- Initiate the rebalance provisions of the CRA only if not successful at changing the license term to 50 years

Support for a 50-year provides:

- Additional benefits
- Avoids rebalancing
- Extends easement and lease agreements 10 more years

SC Department of Natural Resources has filed letter of support with the FERC.

Duke Energy respectfully requested the Commission file with the FERC a letter supporting a 50-year license term.

After discussion, a Commission motion passed (with abstention from Duke Energy Representative, Jeff Lineberger) that the Chair will send information on the letter request and license issue to the Commission Members for possible vote via email. A copy of Mr. Oakley's presentation will be included. As suggested by Commission Member, Tim Mead, a time-frame for response will be included.

There is discussion about the importance of Legislative Commission Member participation. There is also discussion about a hindrance to North Carolina Department of Environment and Natural Resources (NC DENR) staff reaching North Carolina Legislators due to procedures put in place at the Agency.

Ideas for future discussion include:

- Protection of headwaters
- Aging Infrastructure
- Small utilities?
- Grey-water reuse
- Inter basin transfers in NC
- Lead in Water (Flint)
- Potential funding sources for any needed actions and coordination between basins
- Nutrient TMDL – Stakeholders and 5R process

Meeting adjourned by Chairman Gullet.

Minutes Submitted by Carol Roberts, Watershed Program - SC DHEC